MIDVALE CITY COUNCIL MEETING
AGENDA
December 4, 2018

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 4th day of December 2018 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:00 PM   PRE-MEETING WORKSHOP
I.       STAFF REPORTS

7:00 PM
REGULAR MEETING

II.    GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL
C. UPD AND UFA REPORTS
D. Recognize Shane Liedtke and Evan Hanson for Service on Planning Commission

III.   PUBLIC COMMENTS
Any person wishing to comment on any item not otherwise scheduled for public hearing on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

IV.   COUNCIL REPORTS
A. Council Member Paul Hunt
B. Council Member Dustin Gettel
C. Council Member Paul Glover
D. Council Member Quinn Sperry
E. Council Member Bryant Brown

V.    MAYOR REPORT
A. Mayor Robert M. Hale
VI. **PUBLIC HEARINGS – 7:00 p.m.**  
A. Consideration of Main Street Small Area Plan [*Annaliese Eichelberger, Project Manager*]  

**ACTION:** Approve Resolution No. 2018-R-47 approving the Main Street Small Area Plan  

B. Consideration of Ordinance No. 2018-O-16 approving the Creekview Apartments rezone of 3.4 acres to include Regional Commercial Residential Overlay for 227-Mixed Use Project located at 7205 South 900 East; Applicant Adam Davis RW Midvale Creekview LLC  

**ACTION:** Approve Ordinance No. 2018-O-16 Adopting Creekview Apartments rezone of 3.4 acres to include Regional Commercial Residential Overlay for 227-Mixed Use Project located at 7205 South 900 East; Applicant Adam Davis RW Midvale Creekview LLC  

VII. **CONSENT AGENDA**  
A. Consider minutes of November 13, 2018 [*Rori Andreason, H.R. Director/City Recorder*]  

B. Consider Resolution No. 2018-R-48 Adopting the Midvale City Council Meeting Schedule for 2019 [*Rori Andreason, H.R. Director, City Recorder*]  

C. Consider Resolution No. 2018-R-45 Amending Section 5.0 Leave Policies and Procedures Manual [*Rori Andreason, H.R. Director/City Recorder*]  

D. Set date and time [December 11, 2018 at 7:00 p.m.] for a public hearing to consider amendments to the FY2019 Budgets [*Laurie Harvey, Assistant City Manager/Admin Services Director*]  

VIII. **ACTION ITEMS**  
A. Consider Resolution No. 2018-R-49 Appointing Zachary Smallwood as a full member of the Planning Commission [*Robert M. Hale, Mayor*]  

B. Consider Resolution No. 2018-R-50 Appointing Tayler Jensen as an alternate member of the Planning Commission [*Robert M. Hale, Mayor*]  

C. Consider Resolution No. 2018-R-51 Appointing Robyn Anderson as an alternate member of the Planning Commission [*Robert M. Hale, Mayor*]  

D. Consideration to Amend Ordinance 2018-O-15 correcting errors found in prior ordinance [*Alex Murphy, Associate Planner*]  

E. Discussion and Action on the City’s position to pursue ordinance changes regarding pygmy goats [*Kane Loader, City Manager*]
F. Discussion and Action on the City's position to develop an ordinance that would prohibit or limit vehicle idling within the City's corporate boundaries. [Kane Loader, City Manager]

G. Discussion and Action regarding the City's preference on a future location for a new Recreation/Aquatic Center [Kane Loader, City Manager]

IX. DISCUSSION ITEMS
A. Discuss Amendment to Loitering Ordinance [Lisa Garner, City Attorney]

B. Discuss Proposed Amendments to the FY2019 Budget [Laurie Harvey, Assistant City Manager/Admin Services Director]

X. ADJOURN

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working day notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax. The agenda was also posted at the following locations on the date and time as posted above: City Hall Lobby, on the City's website at www.midvalecity.org and the State Public Notice Website at http://pmn.utah.gov. Council Members may participate in the meeting via electronic communications. Council Members' participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING

DATE POSTED: NOVEMBER 30, 2018 RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
The pre-meeting workshop began at 6:14 p.m.

PRE-MEETING WORKSHOP – Staff and Council discussed agenda items as well as updates from staff.

Brian Berndt discussed a change in the Planning Commission meeting schedule to one regular meeting and one workshop a month.

Kane Loader discussed a letter that was recently sent to the Mayor and Council from a disgruntled employee. He reported that he was meeting with the employee's association to work through this complaint. It is unusual for an employee to send this type of letter to the council without first giving management an opportunity to address the concerns.

Chief Thomas reviewed the recent homicide in Midvale.

Chief Brad Larson discussed the One on One program where every medical call will have a paramedic there. The program allows them to hire more firefighters. He said it should enhance their capabilities for medical calls.

Kane Loader discussed the timeline for a new fire station in Midvale, which should be in the year 2021.

Council Member Quinn Sperry asked about the UIA responding to RFPs from other cities.
Kane Loader said they are talking to cities that want to join UIA. They are required to provide their own fiber and construction, then they will be allowed to hook into UTOPIA. This will increase revenue to Utopia and UIA. It also increases their ability to bond faster by having increased revenue.

Council Member Dustin Gettel said the temporary off ramps on 7200 South are terrifying. Kane Loader said he would talk with UDOT.

Council Member Bryant Brown asked if a turn light was going in by the HARTS service station on 7200 South. Kane Loader said that whole intersection will be improved.

Council Member Bryant Brown said there are a lot of residents worried they will not get a sound wall installed by UDOT. He wants to make sure they are notified. Brian Berndt said he would follow-up on this issue.

Council Member Quinn Sperry said for the main street small area plan it talks about the form-based zoning. He asked what it meant. Matt Dahl explained the meaning of a form-based zone. He said it’s beneficial because it allows for some flexibility and has design guidelines; however, some may say it could be viewed at being a little more complex as to conformity.

Mayor Hale called the regular meeting to order at 7:00 p.m.

III. GENERAL BUSINESS
   A. Welcome and Pledge of Allegiance

   B. Roll Call - Council Members Quinn Sperry, Bryant Brown, Dustin Gettel, and Paul Glover were present at roll call. Council Member Paul Hunt was excused.

   C. UPD and UFA Reports
Chief Randy Thomas said tomorrow will be a somber day not only for our nation’s president, but also for South Salt Lake Officer Romrell’s memorial services. His services will start at 11:00 a.m. at the Maverik Center. Larkin Sunset Memorial will have the interment and graveside services. He reported on a press conference on a cold case file that happened in Midvale in 2008. The victim’s case went unsolved since 2009. UPD cold case Officer Pender did extensive investigative work and he now has two arrest warrants for suspects involved. He reported that UPD dispatch has physically moved to the VECC facility in West Valley. There has been no interruption. The latest update on the CAD system is that it will be up and online in April. He said they escorted the Midvale Rotary Club shop with Santa, which made 99 children very happy. He invited the Council to attend the precincts Christmas Bid on Thursday.

Council Member Dustin Gettel asked what the Christmas Bid was.

Chief Thomas said it is where the officers with seniority bid for where they are going to work. They have the bids four times a year.
Chief Brad Larsen expressed appreciation for the police department and condolences for Officer Romrell. He said last July the medical division put a group together to review how they are providing medical services. UFA has had trouble filling stations due to a large turnover. The committee looked at options and came up with the One-on-One program. Every ambulance and rescue unit will have a paramedic and EMT. This will enhance their skills and service. It will provide more consistency and medical service to communities. All EMT's are also firefighters so they can switch roles when needed.

D. Recognize Shane Liedtke and Evan Hanson for Service on Planning Commission

Mayor Hale presented Shane Liedtke and Evan Hanson certificates for their dedicated service on the Planning Commission.

IV. PUBLIC COMMENTS

Sophia Hawes Tingey reported that her street was rocked with another gun shot. She said Midvale City is not the only community affected by domestic violence. She said she’s had the opportunity to talk with many officials regarding domestic violence. She reminded everyone that tomorrow is the Community Council annual potluck. Bring friends and family. There will be a white elephant gift exchange.

Wade Walker thanked Shane and Evan for their service on the Planning Commission. He said he wanted to voice his opposition to Tayler Jensen being appointed to the Planning Commission based on his comments and posts on social media. He did not feel he supported the citizens in his controversial views of high density housing. He also wanted the swimming pool in the Jordan bluffs area due to the growth there.

Meg Jankovich thanked the Council for listening to their desire to have a swimming pool on the east side of the city. She said she appreciates the Council’s willingness to talk with the county and citizens.

Kathie Rebe, said she is the new senator for this area. She said she hopes to build a relationship with the City of Midvale. She is impressed with how the city operates.

Candace said she has the pygmy goats being discussed that evening. She said they are cute little goats and have been as asset to the neighborhood. She expressed her appreciation for what the police department did for her ex-husband Sgt. Peterson.

V. COUNCIL REPORTS

A. Council Member Paul Hunt – Excused

B. Council Member Dustin Gettel – said after the incident happened on Center Street with a domestic violence incident ending in a homicide, the community started an unpleasant conversation stating that the high-density building may have contributed to this incident. He commended those who shut down this conversation and realized high-density had nothing to do with the crime.
C. Council Member Paul Glover – said the budget for the South Mosquito Abatement District will be adopted on Monday the 10th at 6:00 p.m. and is an open meeting.

D. Council Member Quinn Sperry – reiterated appreciation to Shane Liedtke and Evan Hanson for their service on the Planning Commission. He asked for an update on the water project on 1000 East.

Glen Kennedy said they were hoping to have it done today but not sure. If not today, it should be done tomorrow.

E. Council Member Bryant Brown – discussed the lengthy retreat the Arts Council had at city hall last Saturday. These individuals volunteer their time and are very dedicated to the City. He thanked all of the volunteers on the Arts Council. He said the townhomes are almost finished and the residents next to them are concerned with parking issues. He suggested implementing a parking permit for Roosevelt Street. He said that road has to be plowed. He asked if there was any way to get in front of that issue.

Chief Thomas said they will try to get voluntary compliance from residents.

VI. MAYOR REPORT
Mayor Robert Hale reported on the recent bond rating trip to San Francisco. Midvale City was rated AA from one agency and AA+ from the other rating agency. He thanked Laurie Harvey and Matt Dahl for their preparations and the City Manager for his overall supervision of this process.

MOTION: Council Member Paul Glover MOVED to open a public hearing. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

VII. PUBLIC HEARINGS
A. CONSIDERATION OF MAIN STREET SMALL AREA PLAN
Annaliese Eichelberger said on November 17, 2015 the Redevelopment Agency (“Agency”) created the Midvale Main Street Community Development Project Area (CDA). To implement the goals and objectives of the CDA, it was necessary to draft a Small Area Plan that would help guide resource allocations and regulatory objectives for Midvale City and the Agency. The proposed small area plan provides details about the current conditions in the Main Street neighborhood, identifies goals and objectives for the revitalization of the project area, and outlines a multi-year implementation plan.

Since October 2017, the Agency has been working with its planning consultant, VODA, in the crafting of the Midvale Main Street Small Area Plan (“SAP”). The RDA and VODA have held two open houses, distributed and received 300 responses to our Main Street survey, and for the last 3 months have been working on the drafting of the SAP.
The Agency presented the SAP to the Planning Commission for discussion on October 2nd. On October 24th the Planning Commission took action and forwarded a positive recommendation to the City Council for the approval of the SAP.

On November 13, 2018 Staff brought the SAP to the Agency Board of Directors ("Board") for discussion. The purpose of this discussion item was to give the Board an overview of the SAP’s vision, process, and implementation steps, as well as to answer questions and gain feedback regarding the plan.

The goals for the Main Street small area plan are:
- To attract new investment and support existing businesses.
- To preserve and enhance existing residential areas.
- Approve connectivity
- Enhance connections from the project throughout the rest of the city
- Improve neighborhood identity

Council Member Paul Glover said what does is really mean to say: attract new investment support existing businesses. How stringent are the new implementations? If they can’t meet everything the city wants them to do, are they going to leave. He would like to see something in writing that says the City is going to help existing businesses in the plan.

Annaliese Eichelberger said this was discussed in length with the RDA staff and VODA. As far as the plan goes the goal is to provide programs to existing businesses to help them succeed. It is a vital part of this plan implementation.

Council Member Paul Glover said there needs to be something in the ordinance that it is a win for the city and win for the businesses.

Annaliese Eichelberger said the ordinance will be very sensitive to the businesses.

Council Member Quinn Sperry asked about the zoning.

Annaliese Eichelberger said they are basically saying that the intent is to preserve the businesses that are there now but also allow for uses in the future that complement each other.

Council Member Quinn Sperry said there needs to be more education to help people understand the concept.

Annaliese Eichelberger said the goal of this plan is to have potential change and being cohesive in the future. The City wants to preserve existing businesses and residential areas. This plan will give us guidance in the future.

Mark Morris, VODA, said the goal of the plan is to have a walkable mixed-use neighborhood. It has residential, commercial, and industrial areas.
Council Member Quinn Sperry said that is what the City wants with a balance in all the areas.

Kane Loader said this will increase the value of the properties. It then increases lease rates that brings in a different type business. A lot of the business won't be able to afford the building and lease rates, so there will be a turnover of different types of businesses.

Mark Morris said that the RDA goal is to attract private investment. Once that wheel is in motion, these property owners have more value because they will have more financial tools available to them.

Mayor Hale said this project is made in an opportunity zone.

Mark Morris said at the federal level there are certain tax breaks.

Council Member Quinn Sperry asked if it was so onerous the business owners won't want to deal with it?

Matt Dahl said what they have been hearing is that there are a lot of funds available for these types of areas. Essentially what the program says is if you receive capital gains anywhere else and you invest those in the opportunity zone, for 10 years you won't have to pay the capital gains on those taxes. The City should benefit from that program.

Mayor Hale opened the hearing to public comments.

Wade Walker said having lived in Midvale his whole life, he is excited to see some revitalization efforts to main street. He feels it is a great opportunity to make this area a great place to visit.

Sophia Hawes-Tingey said this is an example where community engagement makes all the difference. She thanked the city for this process.

**MOTION:** Council Member Paul Glover MOVED to close the public hearing. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

**ACTION:** APPROVE RESOLUTION NO. 2018-R-47 APPROVING THE MAIN STREET SMALL AREA PLAN

**MOTION:** Council Member Dustin Gettel MOVED to approve Resolution No. 2018-R-47 approving the Main Street Small Area Plan. The motion was SECONDED by Council Member Bryant Brown. Mayor Hale called for discussion on the motion.

Council Member Quinn Sperry said his biggest concern is the new form-based zoning. He asked if they had to approve this before that zone has been written.
Matt Dahl said the Council could change the form-based zoning if desired at a later date.

Council Member Bryant Brown said he has heard mostly positive comments on this plan. He felt it is good for the area.

Council Member Dustin Gettel said the residents have had the opportunity to voice their approval or disapproval. He said he felt good with the process.

Mayor Hale called for a roll call vote. The voting was as follows:
- Council Member Quinn Sperry: Aye
- Council Member Paul Glover: Aye
- Council Member Paul Hunt: Absent
- Council Member Bryant Brown: Aye
- Council Member Dustin Gettel: Aye

The motion passed unanimously.

MOTION: Council Member Paul Glover MOVED to open a public hearing. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

B. CONSIDERATION OF ORDINANCE NO. 2018-O-16 APPROVING THE CREEKVIEW APARTMENTS REZONE OF 3.4 ACRES TO INCLUDE COMMERCIAL REGIONAL OVERLAY FOR 227-MIXED USE PROJECT LOCATED AT 7205 SOUTH 900 EAST; APPLICANT ADAM DAVIS RW MIDVALE CREEKVIEW LLC

Alex Murphy said the applicant, RW Midvale Creekview LLC represented by Adam Davis, is proposing to redevelop approximately 3.4 acres of property located at 7205 South 900 East, including the Flower Patch property and Creekview Plaza office complex, into a mixed-use project with 7500 SF of commercial space, 227 residential apartment and townhome units, a 2-story parking garage, and various other amenities. The proposal includes 7 existing parcels located between North Union and South Union Avenues, 900 East, and the East Jordan Canal. The existing structures will be removed to accommodate this project.

This property is located in the Regional Commercial (RC) zone and is adjacent to properties in the RC and Residential Multifamily – Medium to High Density (RM-25) zones. The applicant is proposing to utilize the Regional Commercial Residential Overlay (RCRO) for the high density residential component of this proposal. For this development to proceed as proposed, the following approvals are required from the City:

1. Rezone of the 3.4-acre property to include the Regional Commercial Residential Overlay (RCRO).
2. Conditional use permit for the mixed-use element.
3. Site plan approval.
4. Development agreement.

The Planning Commission reviewed this development proposal request and conducted a public hearing on November 14, 2018. This resulted in a recommendation to approve the rezone and a decision to approve the conditional use permit and preliminary site plan with conditions to be addressed in the Final Site Plan application. The conditional use permit and site plan approval is also subject to Council approval of the rezone and development agreement.

GENERAL PLAN AND ORDINANCE CONSIDERATIONS:
The 2016 Midvale City General Plan locates the subject properties in the Fort Union Opportunity Area. The General Plan identifies the following future land use goals for this Opportunity Area:

1. Diversify and increase density of land use mix to develop a compact full-service pedestrian scale walkable shopping center.
2. Provide and implement new bike routes to complete the transportation system.
3. Support redevelopment of the area to include mixed office/residential and commercial uses by incorporating structured parking.
4. Strengthen retail uses in the vicinity of the Shops at Fort Union to remain competitive.
5. Enhance Fort Union Boulevard with urban design standards to create a distinct area character.
6. Enhance public transit to the Fort Union area.
7. Improve internal circulation in the Fort Union area.
8. Attract visitors traveling on Fort Union Boulevard to the Cottonwood Canyons.

The General Plan anticipates this Opportunity Area will transition to a higher intensity and density of uses, as indicated by the goals for the Area. The proposed project is consistent with these goals, not only as it relates to the specific property the project is located on, but also to the larger overall expectations for the Fort Union area.

The RCRO ordinance requires that a proposed development plan be submitted in conjunction with this type of rezone request. To utilize the RCRO, it must be demonstrated the proposed development fulfills the following goals:

A. Provides critical mass necessary to help facilitate the transition of regional commercial shopping centers into vibrant mixed-use developments;
B. Creates a consistently high quality urban environment;
C. Enhances the investment of those locating within the regional commercial zone;
D. Promotes economic development by increasing the utilization of existing parcels within current developments;
E. Eliminates large underutilized surface parking areas by utilizing alternate parking methods, including but not limited to structured parking and shared parking;
F. Provides compatibility between residential and commercial uses to create a comfortable environment for both shoppers and residents; and
G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement.

Consistent with the General Plan, the Fort Union area has seen an increasing interest in the construction of higher density residential and mixed-use projects. The proposed project serves as a catalytic project for the Fort Union area, kickstarting the redevelopment process and encouraging future projects to be considered. As such, the appropriateness of this project for its site should not be the only consideration; how it ties into the larger Fort Union area and beyond should also be considered.

With the larger context in mind, the Planning Commission and Staff believe the proposed rezone is consistent with the goals of the RCRO and General Plan. The addition of 227 households and development of integrated connections between the residential and commercial uses provides additional support for the existing commercial businesses and promotes future economic development.

PLANNING COMMISSION RECOMMENDATION:

Section 17-3-1 of the Midvale City Municipal Code requires the Planning Commission hold a public hearing and adopt a written recommendation to the City Council, advising the City Council to approve, disapprove, or modify a request on all zoning map amendments.

The Planning Commission reviewed this development proposal and conducted a public hearing on November 14, 2018. The Planning Commission considered the submitted information and public comment before making a decision to recommend approval of the rezone request including the associated development plan with the following motion:

Based on the following findings, I move that we forward a recommendation to the Midvale City Council to approve a rezone of 7205 South 900 East and associated parcels to the Regional Commercial zone with Residential Overlay:

1. The proposed rezoning is consistent with the goals of the 2016 Midvale City General Plan;
2. The proposed redevelopment of these properties fulfills the goals of the Regional Commercial Residential Overlay; and
3. The proposed redevelopment supports and enhances the existing Fort Union commercial area.

It is recommended that the effective date of an ordinance approving the rezone be tied to the City Council's approval and execution of a Development Agreement for the project site.

The Planning Commission's decision on the development proposal and the executive summary from the Traffic Impact Study the Planning Commission considered is attached.
STAFF RECOMMENDATION:
Staff agrees with the Planning Commission’s recommendation of approval for the requested rezone. However, to provide time for the Council to fully consider comments received during the public hearing and the Development Agreement to be completed, Staff recommends the Council table its decision until the Development Agreement is presented to the Council and any other questions, concerns, or comments from the Council are addressed by the applicant.

Council Member Paul Glover said without the rezone on this property what could happen.

Alex Murphy said it is currently regional commercial. It would be strictly retail offices. It could go taller, but no mixed use or residential components.

Council Member Quinn Sperry asked if this would be similar to the Heinz project at the shops at Ft. Union.

Alex Murphy said yes, it is on the opposite side of the shops where this project is at.

Council Member Bryant Brown asked if it is for rent or for sale.

Alex Murphy said this is for rent. He explained where the green space areas are located as well as the proposal for trails.

Adam Davis, Creekview Developer, said he appreciates the opportunity to be here and has enjoyed working with the planning and economic development staff. The project is located on the east side of Midvale. The shops at Ft. Union and office space fulfil the goal of the general plan and residential overlay creating an urban environment that allows for walkability and connectivity. He showed a model of the project and explained the proposal for the project. He feels that they have addressed a number of the goals within the general plan and residential overlay plan. They have included a mix of uses.

Council Member Quinn Sperry asked if the walkway was on his property.

Mr. Davis said yes, the walkway is on his property. It serves as a protection for those walking through there.

Council Member Dustin Gettel said he was concerned with the project and the 227 units. He feels that it is a walkable area, but it is not very public transit friendly.

Mr. Davis said the general plan goal is to create on the east side of Midvale around the shopping center a much more vibrant walkable mixed-use environment.

Council Member Paul Glover said the project has little commercial space.

Ben Brown, partner in project, said the commercial space is a great place for this retail. He said there is very little commercial here. Over the last few years, online sales have
been rising. He feels the commercial space will do well with the mixed-use project. The best way for retail to survive is by mixing of uses.

Council Member Dustin Gettel asked if he would be willing to work with UTA to explore passes for the area.

Mr. Brown said he would see what he could do.

Mayor Hale opened the hearing to public comment.

Steve Hurshack said he is in support of the presentations given.

Robyn Anderson said she doesn't particularly love all the rentals because they are surrounded by rentals. There will be a lot of traffic. She asked if they are ready for that? Why isn't the family center more for families? There needs to be more there for families to do.

MOTION: Council Member Quinn Sperry MOVED to close the public hearing. The motion was SECONDED by Council Member Paul Glover. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

ACTION: APPROVE ORDINANCE NO. 2018-O16 APPROVING THE CREEKVIEW APARTMENTS REZONE OF 3.4 ACRES TO INCLUDE REGIONAL COMMERCIAL RESIDENTIAL OVERLAY FOR 227-MIXED USE PROJECT LOCATED AT 7205 SOUTH 900 EAST; APPLICANT ADAM DAVIS RW MIDVALE CREEKVIEW LLC

Alex Murphy said the comments received at the Planning Commission meeting were limited. He did not recall receiving a lot of concerns. He said the development agreement is being drafted.

MOTION: Council Member Quinn Sperry MOVED to table decision on the proposed rezone until a development agreement is finalized and presented to the council. The motion was SECONDED by Council Member Paul Glover. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

   Council Member Quinn Sperry    Aye
   Council Member Paul Glover    Aye
   Council Member Paul Hunt    Absent
   Council Member Bryant Brown    Aye
   Council Member Dustin Gettel    Aye

The motion passed unanimously.

VIII. CONSENT AGENDA
A. CONSIDER MINUTES OF NOVEMBER 13, 2018

B. CONSIDER RESOLUTION NO. 2018-R-48 ADOPTING THE MIDVALE CITY COUNCIL MEETING SCHEDULE FOR 2019

C. CONSIDER RESOLUTION NO. 2018-R-45 AMENDING SECTION 5.0 LEAVE POLICIES AND PROCEDURES MANUAL

D. SET DATE AND TIME [DECEMBER 11, 2018 AT 7:00 P.M.] FOR A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE FY2019 BUDGETS

MOTION: Council Member Paul Glover MOVED to approve the consent agenda. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry: Aye
- Council Member Paul Glover: Aye
- Council Member Paul Hunt: Absent
- Council Member Bryant Brown: Aye
- Council Member Dustin Gettel: Aye

The motion passed unanimously.

IX. ACTION ITEMS

A. CONSIDER RESOLUTION NO. 2018-R-49 APPOINTING ZACHARY SMALLWOOD AS A FULL MEMBER OF THE PLANNING COMMISSION

Mayor Hale said that Zachary served as an alternate member for about a year. Zachary said he currently works at Murray City as an associate planner. He just received his master's degree in city and metropolitan planning and urban design at University of Utah.

Council Member Bryant Brown said you are on Facebook with comments that are agreeable and disagreeable to everyone. If you were to become full time, would you still be available to the public?

Zachary Smallwood said his intent would be to educate the public best as he can.

MOTION: Council Member Bryant Brown MOVED to Approve Appointing Zachary Smallwood as a full member of the Planning Commission Resolution No. 2018-R-49. The motion was SECONDED by Council Member Dustin Gettel. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry: Aye
- Council Member Paul Glover: Aye
- Council Member Paul Hunt: Absent
- Council Member Bryant Brown: Aye
- Council Member Dustin Gettel: Aye
The motion passed unanimously.

B. CONSIDER RESOLUTION NO. 2018-R-50 APPOINTING TAYLER JENSEN AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION

Tayler Jensen said he graduated with a master’s degree in planning and done country and residential planning in Northern Ireland. He currently is working at Eagle Mountain as a Planner and has been for the past three years.

Council Member Bryant Brown expressed his concerns with Tayler Jensen due to his comments on social media.

The Council reviewed and discussed Tayler’s qualifications for the Planning Commission.

MOTION: Council Member Dustin Gettel Moved to Approve Resolution No. 2018-R-50 Appointing Tayler Jensen as an alternate member of the Planning Commission. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion.

Council Member Quinn Sperry said his knowledge as a planner can be beneficial to our planning commission. His experience will come into play.

Mayor Hale called for roll call vote. The voting was as follows:
- Council Member Quinn Sperry Aye
- Council Member Paul Glover Aye
- Council Member Paul Hunt Absent
- Council Member Bryant Brown No
- Council Member Dustin Gettel Aye

The motion passed 3-1 in favor.

C. CONSIDER RESOLUTION NO. 2018-R-51 APPOINTING ROBYN ANDERSON AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION

Robyn Anderson said she grew up in Midvale and attended many Midvale schools. She is anxious to learn more about planning. She feels that it is a privilege to serve those in our community.

Council Member Quinn Sperry said he has known Robyn for many years. Yes, she is opinionated, but in a good way. She will keep an open mind and listen to what you have to say.

MOTION: Council Member Quinn Sperry Moved to Approve Resolution No. 2018-R-51 Appointing Robyn Anderson as an alternate member of the Planning Commission. The motion was SECONDED by Council Member Paul Glover. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:
D. CONSIDERATION TO AMEND ORDINANCE 2018-O-15 CORRECTING ERRORS FOUND IN PRIOR ORDINANCE

Alex Murphy said Ordinance 2018-O-15, approving a rezone of property located at approximately 145 E Fort Union Boulevard, was approved by the City Council on October 16, 2018. After the ordinance was approved, Staff identified two errors in the Ordinance, one mis-identifying the exhibit and the other mis-identifying one of the subject parcel numbers. To correct the official record and avoid any questions in the future, Staff is requesting the City Council approve a corrected ordinance document under the same number. This action does not change the City Council’s original decision on rezoning the property.

MOTION: Council Member Quinn Sperry Moved to ensure the City Council’s intent is clear regarding its October 16, 2018 decision to rezone the property at 145 E Fort Union Blvd, I move that we approve the corrected Ordinance No. 2018-O-15 document as presented. The motion was SECONDED by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry  Aye
- Council Member Paul Glover  Aye
- Council Member Paul Hunt  Absent
- Council Member Bryant Brown  Aye
- Council Member Dustin Gettel  Aye

The motion passed unanimously.

E. DISCUSSION AND ACTION ON CITY’S POSITION TO PURSUE ORDINANCE CHANGES REGARDING PYGMY GOATS

Kane Loader said this issue has been before the City Council a couple of times over the past seven months resulting in a six-month moratorium on enforcement of the City’s current ordinance which prohibits livestock in all zones except for those designated for agricultural use. The moratorium expired on November 15th and some of the City Council Members have asked to place this item the agenda for further discussion and/or action.

In May a presentation was made by the Planning Department on Pygmy Goats with a status report on how other cities were dealing with the issue. There has been little or no change except for some additional discussion but, to our knowledge, there has been no new ordinances allowing Pygmy Goats in residential zones in our neighboring cities.

The staff has considered the options that are available to the City Council for consideration and they are the following:
1. Do nothing
   • Allows the current zoning ordinance to stay in effect which prohibits Pygmy Goats in all zones except the Agricultural Overlay
   • Current residents with Pygmy Goats would be out of compliance and subject to enforcement

2. Bring back for additional discussion and direct city staff to conduct city-wide public opinion poll on the issue.
   • Staff could continue to gather information and perform a public opinion poll to find out how the residents feel about the issue
   • Current residents with Pygmy Goats would be out of compliance and subject to enforcement.

3. Direct the staff to draft an ordinance allowing Pygmy Goats under certain recommended conditions.
   • Requiring goats be dehorned and neutered/spayed
   • Requiring no more and no less than 2 goats
   • Shelter required to be on average 10 ft²
   • Outdoor enclosures required to be on average 200 ft² and connected to the shelter
   • 30'- 50' setback from a habitable structure
   • Shelter and fenced enclosure an average of 10' from the property line, meeting all accessory structure setbacks
   • 5' fence, setback from the property line

4. Reclassify Pygmy Goats by amending Title 6 of the Municipal Code exempting them as livestock.
   • Exempt Pygmy Goats as Livestock in both small and large categories
   • No restrictions on properties or facilities

Council Member Bryant Brown said Seattle's ordinance allowed pygmy goats. He couldn't find any complaints regarding the goats.

Council Member Paul Glover asked if the neighbor of the owner of the pygmy goats has any say as to whether a person can have the goats or not.

Council Member Dustin Gettel suggested reclassifying pygmy goats as pets and adding restrictions.

Council Member Quinn Sperry asked what the definition is now.

Lisa Garner said they are defined as livestock which is prohibited and not allowed in this zone.

Council Member Dustin Gettel said the time has come to make a decision. He said he was comfortable with a reclassification and adding the pygmy goats as a pet. We can talk about adding in restrictions. He said for the most part, the pygmy goats regulate themselves.
Council Member Paul Glover suggested to Council Member Dustin Gettel that he develop the ordinance, and the Council will vote on it.

Council Member Quinn Sperry said the Council needs to make a decision and take into consideration how it will affect the City as a whole.

Kane Loader asked the Council what they would like to see in the ordinance.

Council Member Paul Glover said the pygmy goats need to be de-horned, neutered or spay, must have two goats, and room for shelter.

Council Member Bryant Brown said he would rather have a goat than a vicious dog as a neighbor.

Council Member Dustin Gettel said his concern was the Council adopts an ordinance where the owner of the pygmy goat would not be able to keep it.

Mayor Hale said he is worried about spot zoning. If the Council does this for one resident, they are setting a pattern for the whole city. This is something that needs to be considered.

Council Member Dustin Gettel said he would love to have this pass for the owner of the pygmy goats. He will work with the Council and the owner of the pygmy goats to add the restrictions to the ordinance.

**MOTION:** Council Member Dustin Gettel Moved to amend Midvale Municipal Code chapter 6 to exempt pygmy or dwarf goats or other similar animals from the cities definition of livestock and instead include them under the more traditional definition of pets including dogs, cats, and ferrets. The motion was SECONDED by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry  No
- Council Member Paul Glover  No
- Council Member Paul Hunt  Absent
- Council Member Bryant Brown  Yes
- Council Member Dustin Gettel  Yes
- Mayor Robert Hale  No

The motion failed 3-2 against.

**MOTION:** Council Member Dustin Gettel Moved that we direct City Staff to develop the necessary ordinance amendments to allow for Pygmy Goats in all zones and prepare the amended ordinance for the approval process with the City's Planning Commission and City Council. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:
F. DISCUSSION AND ACTION ON THE CITY’S POSITION TO DEVELOP AN ORDINANCE THAT WOULD PROHIBIT OR LIMIT VEHICLE IDLING WITHIN THE CITY’S CORPORATE BOUNDARIES.

Kane Loader said there are currently five cities in Salt Lake County that have passed an “Anti-Idling” ordinance they are Salt Lake, South Salt Lake, Holladay, Murray and Sandy with others still contemplating doing so. Most of the current ordinances prohibit idling after two minutes but the ordinance passed by Sandy City in the Spring of 2018 allows for only one minute of idling. They are all similar in that they allow for three warnings to be issued before and an actual citation or fine.

Some things to think about with passing a “Anti-Idling” ordinance are:
1. Enforcement
2. Educating the Public and Businesses
3. Signage (est. $100/sign not including labor)
4. Public perception and business patronage

The City’s Legal Department has prepared an ordinance with variations for the Council to consider.

Council Member Paul Glover said he likes the idea of a proclamation and education. He feels that we should not have our police enforce this.

Council Member Quinn Sperry said it isn’t wise to pass an ordinance for a law that is not going to be enforced. He feels public education would be best.

Council Member Dustin Gettel said there are elected officials that support enforcing this. It is impractical to enforce. We and other cities need to lead on this issue. What is important is, is to get people to anti idle.

MOTION: Council Member Dustin Gettel Moved to direct city staff to prepare an Anti-Idling Ordinance and present it for discussion and approval. The motion was SECONDED by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry  No
- Council Member Paul Glover  No
- Council Member Paul Hunt  Absent
- Council Member Bryant Brown  Aye
- Council Member Dustin Gettel  Aye
- Mayor Hale  No
The motion passed unanimously.

MOTION: Council Member Dustin Gettel Moved to draft a proclamation to support no idling including signage. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry Aye
- Council Member Paul Glover Aye
- Council Member Paul Hunt Absent
- Council Member Bryant Brown Aye
- Council Member Dustin Gettel Aye

The motion passed unanimously.

G. DISCUSSION AND ACTION REGARDING THE CITY’S PREFERENCE ON A FUTURE LOCATION FOR A NEW RECREATION/AQUATIC CENTER

Kane Loader said I have been asked by a couple of the new Council Members when and why the decision was made to locate a new Recreation/Aquatic Center at the Union Park. I will attempt to give a brief background to the subject in hopes that, at some point, the City Council will be able to support a resolution or recommendation on the future location of a new recreation center.

The process of building a new facility started with the demolition of the old Midvale Middle School and the loss of the pool in that building. The Canyons School district notified the City that they would not be able to provide a pool in their new middle school but would like to partner with the community to have one available. The City met with the Salt Lake County Mayor’s Office and the Parks and Rec Department to see what the possibilities were to construct and operate a pool somewhere in the City. Our initial request was to build the new facility near the Hillcrest High School. The only property that would accommodate the proposed pool was the Union Park, to which the Parks and Rec people adamantly opposed because of the need for baseball facilities. In further discussions the County indicated they could only support a pool being built and operated at the Copperview Community Center and the funding for construction would have to come through the Zoo Arts and Park Tax. We took that information to the City Council and they also were opposed to having the facility at the Copperview Center but still supported the Union Park location.

The Council directed staff to go back to the County with their decision/position in hopes of changing their stance. The County stood fast on Copperview and told city staff to prepare a project funding request before the deadline or take the chance of missing out on any funding. The staff relayed the message to the Council and convinced them that the City should submit a funding request and that if the City was successful in getting the funding the Council could always decide to turn it down and not build the facility.
The funding request was for a $22 million project but was not chosen by the ZAP Committee to be funded in 2016. With that we figured our next opportunity for funding would be in 2026 or the next round.

Another opportunity came along with the Jordan Bluffs development. Working with the developer, the Gardner Company, we asked for help in building a pool. They agreed to donate up to six acres of property and $4 million for construction. With an additional $1.5 million from the Canyons District and a contribution from the City we thought we could move our project to the top of the list and motivate the County to build and operate it. We were making great progress in getting this done when a contingency from the community and the school district came to a Council Meeting to request the facility be built at the Union Park. The City Council asked that the Mayor, Council Member Glover and the City Manager attend the meeting. The County Mayor and Parks and Recreation Director heard the plea from the group to reconsider the location of the facility. The Mayor asked for some time to work out the details. A few weeks later we were notified that the County would support a new facility at the Union Park and it would be a full-blown rec center with a swimming pool. The downside being that it probably won’t be funded until the next round of ZAP in 2016 which means the facility won’t be built until 2018.

The Union Park location has support now from the County Council, Mayor’s Office and Parks and Rec Department as well as the Canyons School District and Hillcrest parents. We have also been told by Parks and Rec that they will only run one facility of this kind in the City any others would be the sole responsibility of the City.

Council Member Bryant Brown said the problem exists on both sides. The options are on the far ends from each other. He said the school district should have some responsibility in this. The demographics have changed since the pool was discussed by the previous council members.

Council Member Quinn Sperry said the apartment complex or HOA in Jordan Bluffs will probably already have a pool.

Kane Loader said it wouldn’t be available to the public.

Council Member Paul Glover said all of Hillcrest is from the whole Midvale area. Those kids will be able to use it for years and years. The east side won’t have the amenities like the Jordan Bluffs area will have.

Kane Loader said he is working with Jordan Bluffs on what amenities to have for the green space.

Council Member Quinn Sperry asked about the timing and the funding. The next issue is that we need to talk about is, are we going to adopt a resolution in support of having the pool in Union Park. If we do that when is the next ZAP funding.

Kane Loader said the next ZAP funding is in 2026. It has changed now that Mayor McAdams is now becoming our congressman. Now we need to start over with a new
Mayor. They are exploring other ways to fund the recreation center. One of the things the SL County Parks and Rec suggested is to build the pool part of the building first and the rec part of it second. The worst-case scenario is that we put in for ZAP funding in 2026 and we would need to come up with funding along with the school district and build it in 2026.

Council Member Dustin Gettel asked what the cost comparison would be.

Kane Loader said the east side would cost $35 million dollars. For Jordan Bluffs it would be around $15 million just for the pool, and about $22 million for the rec center.

Council Member Dustin Gettel said the Jordan Bluffs pool would be built in 3 to 5 years. This is a huge consideration. The concern for him is when the funding is available for the pool to be built. He said at the end of the day, our citizens will go where ever it is built.

Council Member Quinn Sperry said we don't have to wait for the ZAP funding to fund it. We would need to bond for it and have the citizens pay for it.

Council Member Paul Glover felt that the citizens would possibly pay to have the pool.

Council Member Bryant Brown said with the change in Mayor for SL County, there is a chance of losing the pool on the east side.

Council Member Dustin Gettel asked the difference in maintaining the pool on the east side verses the west side.

Kane Loader said if the City had to run the Jordan Bluffs pool, we would lose money. It would be around a million dollars a year to maintain. SL County would maintain the east side location, and they would have to take the loss. The loss would be made up by county taxes. Either way we will be paying.

**MOTION:** Council Member Quinn Sperry Moved to direct staff to prepare a resolution supporting the Union Park location for a new recreation facility. The motion was SECONDED by Council Member Paul Glover. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry: Aye
- Council Member Paul Glover: Aye
- Council Member Paul Hunt: Absent
- Council Member Bryant Brown: No
- Council Member Dustin Gettel: No
- Mayor Hale: Aye

The motion passed 3-2 in favor.

The Council recessed at 10:30 p.m. and reconvened at 10:35 p.m.

**X. DISCUSSION ITEMS**
A. DISCUSS AMENDMENT TO LOITERING ORDINANCE

Lisa Garner discussed the city’s loitering ordinance. She said UPD came to her and they have had complaints from business about loitering going on. They asked the city to look at the ordinance to see if they could enforce it. They took a look to see what loitering really meant. She feels the ordinance needs to be amended. She discussed the proposed amendments with the council.

Council Member Dustin Gettel said he had issues with the amendments and felt it was cruel to.

Council Member Paul Glover said the officers will ask the citizens to move along. If they don’t, then the officer can enforce.

Council Member Bryant Brown said he liked the amendments.

Lisa Garner said that the purpose of this is to allow pedestrians to feel safe walking on the sidewalk without feeling hindered or impeded.

Chief Randy Thomas said respectfully what this will give us is an option for gang members coming back to our schools to recruit younger people. This is happening everywhere. He feels that this is a tool for them to keep people moving. He feels that it will give them more options.

The Council agreed to bring this item back as an action item.

B. DISCUSS PROPOSED AMENDMENTS TO THE FY2019 BUDGET

Laurie Harvey discussed the proposed FY2019 Budget amendments.

Proposed FY20198 Budget Amendments:

General Fund
Transfer from reserves budgeted in Employee Services
- $53,000 for average 3% merit increase
- $61,300 for insurance increases and merit related benefit increases
- Allocated to all General Fund departments with employees

Carryover capital grants – to be passed through to CIP
- TIGER (crosswalk) - $158,600
- CDBG (Grant Street) - $41,500
- SL County road funds (Bingham Junction Blvd) - $1,500,000

Remove VECC 911 funds from City Budget
- $231,600 from revenue and expenses

Estimated revenue from ROW fees (small cell) $ 5,000
Increase Cemetery Service Fee revenue est. $10,000

Remove VECC 911 funds from City Budget
- $231,600 from revenue and expenses

Estimated revenue from ROW fees (small cell) $ 5,000
Increase Cemetery Service Fee revenue est. $10,000
Capital Improvement Projects (CIP)

Carryover unfinished FY2018 Projects

- Sidewalk/curb/gutter replacement $188,000
- 7th East to Union Park Avenue 134,800
- Amphitheater improvements 30,000
- Splashpad improvements 55,500
- 50/50 sidewalk program 20,000
- Major road CIP (bond proceeds) 2,315,400
- City Hall overflow parking 55,000
- Jordan River Trail extension 40,600
- Millennial Way/7200 S. $10,000
- Housing Trust Fund 50,000
- Open space acquisition 5,000
- Community Center remodel 585,800
- Crosswalk improvements 62,000
- 7200 S. Gateway project 166,000
- Pavement Management 4,842,600
- Future projects 360,000

Public Utilities – bond proceeds

Carryover of FY2018 capital projects

Water Fund
- Jordan Valley Water pipeline connections $1,198,300
- Union Jordan retail area meter swaps 200,000
- Fixed meter reading system 150,000
- System waterline improvements 1,226,200
- Sewer Fund
- System sewer line projects $850,000
- SVWRF phosphorous/ grit removal project 1,700,000

Storm Water Utility Fund
- Increase to cost of benefits $40,000
- From Fund Balance $40,000

Sanitation Fund
- Increase to landfill costs $17,000
- Increase to pickup costs $47,700
- From Fund Balance $64,700

New Public Utilities Inspector Position
- New FTE position – Salary $65,000, Benefits $25,000
  - 40% Water
  - 40% Storm Drain
  - 20% Sewer
- New vehicle - $28,700
- Equipment - $3,000
- Total - $121,700
Proceedings of City Council Meeting
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- $48,700 Water, $48,700 Storm Drain, $24,300 Sewer (from fund balances)

Council Member Paul Glover asked if FTE position was necessary.

Glen Kennedy said yes, it is necessary due to additional service area the City is taking over from Jordan Valley as well as the new construction in the Jordan Bluffs area.

Laurie Harvey said a public hearing is scheduled for December 11, 2018.

XI. ADJOURN

MOTION: Council Member Paul Glover MOVED to adjourn the meeting. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The meeting adjourned at 11:08 p.m.

[Signature]
Rori L. Andreaason, MMC
H.R. DIRECTOR/CITY RECORDER

Approved this 11th day of December 2018.
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<tr>
<td>Sophie Wise-Ting</td>
<td>7687 S 2000 E</td>
<td>Midvale</td>
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<tr>
<td>Wade Walker</td>
<td>116 W Augusta Pl</td>
<td>Midvale</td>
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<tr>
<td>Brent Beardall</td>
<td>1655 S Wilson Dr</td>
<td>Midvale</td>
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<tr>
<td>Melanie Beardall</td>
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<td>Steve Hirschel</td>
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PUBLIC COMMENTS

Any person wishing to comment on any item not otherwise scheduled for public hearing on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

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<tr>
<th>NAME (PLEASE PRINT)</th>
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<tbody>
<tr>
<td>Sophia Hazz-Tingy</td>
<td>7607 S. Green</td>
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<tr>
<td>Wade Walker</td>
<td>112 W Alta View Dr</td>
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